



# UNITED STATES PATENT AND TRADEMARK OFFICE

W  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,240	03/05/2002	Matthew Shair	2001180-0051 (HU 11588-98)	7192
24280	7590	05/04/2004	EXAMINER	
Choate, Hall & Stewart Exchange Place 53 State Street Boston, MA 02109			TRAN, MY CHAUT	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO./ CONTROL NO. 10091240	FILING DATE 3/5/02	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION SHAIR ET AL.	ATTORNEY DOCKET NO. 2001180-0051 (HU 11588-98)
---	-----------------------	---	--

EXAMINER

MY-CHAU T. TRAN

ART UNIT      PAPER

1639      20040501

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

1) Applicant elected Group II (Claims 2-33) with traverse is acknowledged and the traversal will be addressed in the First Office Action on the Merit.

2) Applicant also elected following the species: 1) small molecule as the test compound (claim 10); 2) 2,3-diaminonaphthalene (DAN) as the molecular sensor (claim 7); 3) inert halogenated compound as the decoding tag; 4) nitric oxide synthase as the inducible reporter gene (claim 30); 5) nitric oxide as the chemical compound (claim 20); 6) yeast as the cells (claim 26), and 7) solid phase resin beads (e.g., aminomethyl-TENTAGEL resin) as the solid support.

However, the species election is incomplete because applicant did not provide a single specific species of "test compound". The election of a small molecule is improper as a single species of test compound since it would include water, hydrogen and nitric oxide, which is applicant elected species of a chemical compound. For example, the single specific species of "test compound" can be galactose in Example 4 of the specification and fig. 4. Therefore, the response is not proper. Furthermore, for purpose of search applicant is requested to provide the structure of the sensor (i.e. how the molecular sensor is attached to the solid support, for example fig. 4).

4) Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 703-305-6999. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 703-306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct  
May 1, 2004

PADMASHRI PONNALURI  
PRIMARY EXAMINER